



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 24, 2020

BY ECF

The Honorable William H. Pauley III
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Alvarado Dominguez*, 16 Cr. 108 (WHP)

Dear Judge Pauley:

The parties respectfully submit this letter jointly requesting that the Court stay consideration of the above-captioned defendant's motion to vacate his sentence pursuant to 28 U.S.C. § 2255, filed on June 22, 2020 (Dkt. 193). The principal question presented by the motion, whether attempted Hobbs Act robbery, in violation of 18 U.S.C. § 1951, qualifies as a "crime of violence" under 18 U.S.C. § 924(c)(3)(A), and can thus serve as a predicate for the defendant's conviction of 18 U.S.C. § 924(c)(1)(A) as charged in Count Three of the indictment, is currently pending in a number of cases before the Second Circuit. *See, e.g., United States v. McCoy*, No. 17-3515 (argued Oct. 23, 2019); *United States v. Collymore*, No. 19-596 (argued June 1, 2020); *United States v. Morris*, No. 16-6 (argued June 25, 2020). The Second Circuit's decision in one of these cases can be expected to resolve the issue, and would presumably control the question of whether petitioner's predicate crime of attempted Hobbs Act robbery qualifies as a crime of violence for purposes of 18 U.S.C. § 924(c)(1)(A).

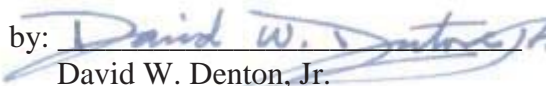
Accordingly, for the foregoing reasons, the parties respectfully request that the Court stay consideration of defendant's motion pending the Second Circuit's decision in *McCoy*, *Collymore*, *Morris*, or one of the other cases presenting this question. The parties would respectfully propose to update the Court regarding a proposed schedule for resolution of the defendant's motion within 14 days of the first decision from the Second Circuit addressing the issue.

Respectfully submitted,

Application granted.

SO ORDERED:

AUDREY STRAUSS
Acting United States Attorney

by: 
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WILLIAM H. PAULEY III
U.S.D.J.

August 25, 2020